

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS
OCTOBER 2, 2017**

PAGE 126

The Jasper County Commissioners met this date at 8:15 A.M. C.S.T., in the Commissioners Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, James A. Walstra and Richard E. Maxwell. Also present were Auditor Kimberly K. Grow, Deputy Auditor Tina M. Porter, Highway Engineer / Supervisor Jack R. Haberlin and the Attorney that represents the Commissioners, Eric J. Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Mr. Donnelly.

CLAIMS: Mr. Maxwell made a motion to approve the claims as presented. Mr. Walstra seconded and the motion carried.

PAYROLL CLAIM AND ALLOWANCE DOCKET: Mr. Walstra made a motion to approve the Payroll Claim & Allowance Docket for the check dates equal to September 29, 2017 and September 15, 2017. Mr. Maxwell seconded and the motion carried.

MINUTES: Mr. Culp stated that, on the last page, “posting” was corrected to “hosting”. Mr. Maxwell made a motion to approve the minutes, as corrected. Mr. Walstra seconded and the motion carried.

BURIED CABLE: Mr. Maxwell made a motion to approve the following buried cable permit submitted by Sprint. Mr. Walstra seconded and the motion carried.

For the purpose of boring to install new service on County Road 1080 West in Carpenter Township. There are no county regulated drains in the area. Permit Number 744

LYNN TOOPS & IRWIN LEVIN / COHEN & MALAD / LAWSUITS REGARDING OPIOIDS: Mr. Levin and Ms. Toops were present to discuss with the Commissioners Cohen & Malad’s plans to bring cases against opioid manufacturers and distributors on behalf of the taxpayers of cities, towns and counties throughout Indiana. Mr. Levin said they’ve been hired by a diverse number of governmental entities and would like to know if Jasper County would be interested in participating. They are the only law firm representing only Indiana entities. Ms. Toops stated that the drug manufacturers and distributors created the drug epidemic that Indiana is facing. She claims that the manufacturers knew that opioids were highly addictive and not effective in eliminating or treating pain. The distributors, like the manufacturers, are required to register under the Controlled Substance Act and report to the Drug Enforcement Agency any suspicious orders of drugs being sent out and they failed to do so. This information is confidential, but through an unusual set of circumstances, the information was released for the state of West Virginia. Cohen & Malad believe the numbers are very similar for Indiana. They concur that the responsibility of paying to try to fix the problems should lie with the manufacturers and distributors, not the taxpayers. If the lawsuits are successful, the awards will help provide a source of funds for education, additional law enforcement resources or funds and treatment centers or clinics. Mr. Levin stated that they’ve been asked if this is similar to the tobacco cases and his answer to that is that they don’t really know. If the lawsuits end in settlement, the settlement will be like the tobacco cases, except for the fact that the impact on cities and counties is so significant that a different model would have to be used to resolve this. This would be done on a contingency basis and all up-front costs would be paid by Cohen & Malad. This is not a class-action lawsuit, but rather a lawsuit that has individual plaintiffs within the same lawsuit. The County would provide data, as necessary, to prove damages. They are preparing to file suit within the next thirty days. Mr. Walstra asked Mr. Levin if they are doing anything to stop the companies from producing the opioids. He replied that that is more political than judicial. The Drug Enforcement Agency and Governor Holcomb are now involved. Mr. Culp stated that the Commissioners would like to discuss this with counsel. Mr. Maxwell expressed concern about the amount of information that would be required from the County and the extra workload it would place on the Auditor’s Office. Mr. Levin replied that the County probably already has most of the information they will need, such as how many police runs, the extent of Narcan usage and how many people are going through clinics and treatment centers. He said there will be some work involved but he doesn’t believe it will be overbearing.

LYNN TOOPS & IRWIN LEVIN / COHEN & MALAD / LAWSUITS REGARDING OPIOIDS

CONT'D: Ms. Toops stated that they will obtain as much information as possible at the state level before requesting information from the County. As far as obtaining the information, they said they will do whatever is easiest for the County. They left a contract for Attorney Beaver to review. If there is no recovery, the County would not be responsible for any expenses that were advanced by Cohen & Malad. Attorney Beaver stated that he read that there were forty-one Attorneys General that had taken action and was wondering if Indiana's Attorney General Curtis Hill was involved. Mr. Levin replied that it's his understanding that Attorney Hill was among the forty-one, but doesn't know what General Hill is going to do in the future. He said the Governor is interested in being involved.

JAIL MAINTENANCE CONTRACT: Sheriff Risner was present and informed the Commissioners that the current maintenance contract expired September 30, 2017. He said he has not been provided any new information from Havel or Precision since the last meeting. Havel and Honeywell were present, but Precision was not. Mr. Carney and Mr. Flick were also present.

Mr. Zellman, a representative from Honeywell, stated that their field service branch representative, Jamie Dumas, contacted Mr. Hayes to schedule a walk-through for Thursday, October 5th to inquire about any changes that may have occurred since their last discussion a few months ago. The Indianapolis branch office has prepared a quote for the Jail, the total being \$35,000.00 for a one year Flex Agreement quote. This is a 'not-to-exceed' figure. There is the possibility it can be reduced once the walk-through is completed. The quote includes one-hundred and thirty-five hours annually for preventative maintenance on the mechanical systems, temperature controls and automation systems. The largest part of the contract is the Fast Tool for Rapid Response and the Atlanta call center that handles calls 24/7/365. The contract does not include belts and filters. Mr. Zellman stated that Honeywell would like to come up with a more comprehensive filter and belt change out plan, with Mr. Carney and Mr. Flick performing the work. He said that they would more than likely recommend a different type of filter, which would require a more consistent change out. Sheriff Risner asked Mr. Zellman where Honeywell's technicians are located. Mr. Zellman replied that they have technicians strategically placed all over the State, but can get more exact locations and will follow up with the Sheriff. He said they are able to provide emergency services on a non-contract rate until the County makes a decision since the current contract is expired.

Mr. Ladyga, a representative from Havel, stated that their price is \$12,000.00 with a three year lock-in; however, the contract can be cancelled at any time with written notice. The filters are an upgraded material for a three month period. The bag filters would be replaced once a year. Sheriff Risner presented to the Commissioners and Auditor Grow a write-up from the Jail Commander regarding an incident that happened at the jail over the weekend. Sheriff Risner said that he had to call the supervisor of Havel to get a resolution to the problem.

When asked by Mr. Culp if he was familiar with Precision, Mr. Carney replied that he does know one employee there that previously worked for Havel. Sheriff Risner asked Mr. Ladyga why he has to call the supervisor to get a resolution. Mr. Ladyga replied that their boss is hands-on and sometimes, it's just not the right technician that gets sent out. Mr. Carney stated that the main problem is getting technicians sent to the Jail that don't know the building. Another big problem is getting ahold of an IT technician. When they can't get ahold of an IT tech, the old equipment has to be put back in. Mr. Reed, branch manager of Havel, explained the situation that happened over the weekend. Mr. Culp confirmed with Mr. Reed that Havel would still be responsible to take care of the issues with the equipment through the energy savings projects. He further stated that the County is not satisfied with the energy savings project on the third floor and the Jail and is reluctant to move forward with the maintenance project. He said he's also concerned that Precision did not attend the meeting. The price difference between the low bid and Honeywell's bid equates to approximately one month's utility bills at the Jail. There was discussion about the filters. Mr. Zellman stated that he believes the regular filters that require more frequent change-outs are not included. He will confirm that, as well as if the bag filters are included. Sheriff Risner stated that the bag filters run approximately \$3,000.00 each. His concern with Honeywell is that parts aren't included.

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS
OCTOBER 2, 2017**

PAGE 128

JAIL MAINTENANCE CONTRACT CONT'D: Mr. Zellman stated that he would like to bring a technician and a branch sales representative to the November 6th meeting to discuss what was found at the Jail during the walk-through that's scheduled for October 5th. It was agreed that the decision will be postponed until the November 6th meeting at 9:00 A.M.

AMBULANCE BID OPENING: Bids for ambulance services were opened and read aloud.

Spirit EMS, West Lafayette - \$250,000.00 per year

Franciscan Health - \$475,000.00 per year

Prompt Central - \$205,000.00 for the first year; \$180,000.00 for the second year

Elite Ambulance - \$210,000.00

Mr. Maxwell made a motion to take the bids under advisement until the next meeting on November 6, 2017. Mr. Walstra seconded and the motion carried.

JAMES ZELLMAN / COMMUNITY CORRECTIONS: Mr. Zellman stated that, in addition to damage to the ceiling from humidity issues, they found damage to ductwork and insulation as well as condensation issues that have been on-going for a number of years with wicking of moisture throughout the chain of insulated ductwork. There are numerous areas of ductwork that are open to the atmosphere in the attic. It will take considerable effort to remove all of the insulation and decide if stripping the ductwork of the insulation or removing the ductwork and installing a more commonly used insulated flex duct would be the best option. He proposed two options, as follows:

Through a partnership with an engineering firm, the firm can take care of the scope development of the project and go through bid specifications for identifying local contractors to take care of building envelope issues, insulated ductwork, exhaust fans in the shower area and any general construction issues resulting from removing and replacing drywall.

The second option would be advertising for Request for Proposals for a Guaranteed Savings Project. He said that Honeywell could also do the same type of work through the Guaranteed Savings Legislation under two separate projects, one for Community Corrections and one for the Courthouse. The Commissioners would need to decide if they want one company performing all the work or if they would like to hire separate contractors.

Mr. Walstra made a motion to move forward with Request for Proposals. Mr. Maxwell seconded and the motion carried.

SHERIFF RISNER / TRANSFER OF VEHICLE TO VETERANS OFFICE / COUNTY AUCTION / DIRECT DEPOSIT: Sheriff Risner stated that they are working with the Veteran's Office to transfer to them a 2007 Chevrolet Trailblazer. He believes it was purchased through Commissary Funds. It was a detective's vehicle that was used for Correctional, Communications, non-uniformed personnel and traveling for training. This will take place closer to the first of the year. He said they will have a squad car for the auction. He requested that the County offer direct deposit. Not having direct deposit creates a hardship on his department due to their schedules. Mr. Culp asked Auditor Grow if this makes more work for the Auditor's Office. She replied that some of the department heads do not turn in timesheets on time. Mr. Culp replied that if they miss the deadline and have to wait an additional two weeks to be paid, it will only happen one time. Sheriff Risner offered to loan administrative staff to get it set up if that's what is needed. Auditor Grow asked that the Commissioners support her if a Department Head does not turn in payroll on time, which would in turn cause an employee to not receive their check on time. Mr. Maxwell made a motion to work towards a January 1, 2018 implementation of direct deposit for employee payroll. Mr. Walstra seconded and the motion carried.

JAMES ZELLMAN CONT'D: Mr. Zellman stated that he gave the Council the same presentation on September 19, 2017 that he had presented to the Commissioners at the previous meeting.

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS
OCTOBER 2, 2017**

PAGE 129

JAMES ZELLMAN CONT'D: He said he told the Council about the needs analysis, the feasibility study and the option of a phased or comprehensive project. He explained the process, starting with a competitive Request for Proposals. He said the Council had questions regarding the window energy conservation measure, the differences between the interior storm windows and window replacement and broken window seals. He said overall there was positive feedback. He recommended advertising for an RFP.

Mr. Maxwell made a motion to proceed with Request for Proposals for the Courthouse. Mr. Walstra seconded and the motion carried.

BILL WAKELAND / ELECTRONIC MONITORING OFFICER POSITION: Mr. Wakeland was present to request filling a full-time vacancy for an Electronic Monitoring Officer. Mr. Walstra made a motion to fill the vacancy. Mr. Maxwell seconded and the motion carried.

DOCUWARE QUOTE: This was previously approved at the September meeting and only needs signatures.

DEMOTTE PLAN COMMISSION APPOINTMENT: Mr. Walstra made a motion to appoint Julie Davidson of DeMotte to the DeMotte Plan Commission. Mr. Maxwell seconded and the motion carried.

COMMUNITY CORRECTION TRAINING REQUEST: Director William Wakeland requested permission for Assistant Director Darci Donnelly to attend a two day training on October 19th and October 20th in Indianapolis for Investigator training. This will be paid out of Project Income. Mr. Walstra made a motion to approve. Mr. Maxwell seconded and the motion carried.

EMERGENCY MANAGEMENT TRAINING REQUEST: Emergency Management Director Karen Wilson requested permission to attend an Emergency Management conference October 18th through October 20th. Costs include registration and two nights lodging and she would use the county car. Mr. Walstra made a motion to approve the request. Mr. Maxwell seconded and the motion carried.

PROSECUTOR TRAINING REQUEST: Christine Haskell presented a training request for Eileen Phegley to attend a three day training at Lawrence Campus of Ivy Tech in Indianapolis. There will be three nights lodging. The Prosecutor's Office will be covering the cost of the hotel, mileage and the regular per-diem rates for meals. Mr. Maxwell made a motion to approve the request. Mr. Walstra seconded and the motion carried.

COMPENSATION TIME EXTENSION REQUEST: Michelle Taylor presented a request to extend forty-six and one-half hours of compensation time. Mr. Maxwell made a motion to approve the extension for sixty days. Mr. Walstra seconded and the motion carried.

CHARLEY FLICK / VACATION REQUEST: Mr. Flick presented a vacation request for signatures.

PICTOMETRY CONTRACT / ASSESSOR: Mrs. Hoffman stated that the contract includes two flights in six years, one flight every three years in the spring before leaves grow back. She said that they use this system extensively in her office for verifying assessments, seeing how land is being used and checking for improvements that have been added. She said she would like to get the spring flight scheduled. It will be paid out of the Sales Disclosure Fund as an allowable expense. There is enough money in the Fund to pay for it. The total for two flights is \$165,753.56 and can be paid over three years. Attorney Beaver reviewed the contract and compared it to the 2012 contract. He said this contract provides for better resolution than the previous flight we had. The terms and conditions are essentially the same. He asked Mrs. Hoffman about the two training sessions for a cost of \$2,499.00 each flight. She said that she is not requesting the training and will contact Pictometry. Attorney Beaver stated that some of the wording has changed to make it better for Pictometry, but not necessarily worse for the County. He said it's clear they are trying to protect the intellectual property of their product.

PICTOMETRY CONTRACT / ASSESSOR CONT'D: The County has a license to the data, but does not own the data. Mr. Walstra made a motion to approve the contract, which includes two flights over six years, with the understanding that the training charges would be deducted. Mr. Maxwell seconded and the motion carried.

ATTORNEY BEAVER / JUSTICE DEPARTMENT / JASPER COUNTY CODE CONT'D:

In regards to the Justice Department, Attorney Beaver stated that he added approximately eight pages regarding the schedule of expenditures of federal awards.

The Department of Justice granted him a thirty day extension in a letter dated September 18, 2017. Mr. Walstra made a motion for Attorney Beaver to proceed. Mr. Maxwell seconded and the motion carried.

In regards to the Jasper County Code, Attorney Beaver stated that almost all of the changes have been completed. He explained that there is an option to leave the index out of the print version but recommends that it be included in the UDO. Mr. Walstra made a motion to include the index in the UDO. Mr. Maxwell seconded and the motion carried. Attorney Beaver stated that the code should be completed next month.

HIGHWAY: Ms. Ackerman stated that they had four projects left over from last year, two were completed this year, one will be another paving project and one will be done next year.

She said that County Road 700 West in Mr. Walstra's area will be completed today. Tomorrow they will be working on County Road 800 West between County Roads 400 and 500 North. They will then be working on County Road 900 West between County Roads 500 and 700 North and then doing a half-mile stretch on County Road 950 North.

In Mr. Culp's area, County Road 200 East will be done first, then County Road 225 North, followed by County Road 230 East. They will hold off on County Road 1000 North between State Road 49 and County Road 200 West.

Mr. Maxwell asked Mr. Haberlin if he could figure out how much money was left for each of the Commissioner's districts.

Mr. Culp stated that he would like to get bids on both of his subdivisions and Mr. Maxwell would like to get bids on one of his subdivisions.

Ms. Ackerman stated that they have not heard back about the stack test. The asphalt plant will need approximately \$59,000.00 in repairs done before spring. Mr. Walstra made a motion to repair the plant. Mr. Maxwell seconded and the motion carried.

SPEED LIMIT REDUCTION / COUNTY ROAD 1200 NORTH: Mr. Walstra made a motion to hold a public hearing for the purpose of lowering the speed limit to forty-five miles per hour on County Road 1200 North in DeMotte from the city limits to the cemetery. Mr. Maxwell seconded and the motion carried.

HONEYWELL CONT'D: Mr. Zellman confirmed with the Commissioners that he can continue to work with Attorney Beaver to finalize the RFP's to be advertised without any further motions needed.

TIRE RECYCLING: Mr. Culp stated that the Solid Waste District will continue to furnish six trailers for tire recycling, but will no longer be furnishing the labor. They will also continue the household waste collection. There was discussion about continuing the tire recycling, with the Highway Department providing seven or eight employees that will earn compensation time for loading the trailers. Mr. Culp will check with Mrs. Stradling to verify that the County can continue the tire recycling on the same day as the household waste collection.

There being no public comment and no further business, this meeting was continued to October 16, 2017 at 8:30 A.M. Meeting stands in recess.

Kendell Culp, President

James A. Walstra, Vice President

Richard E. Maxwell, Member

ATTEST:

Kimberly K. Grow, Auditor of Jasper County